

Message Text

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C O N F I D E N T I A L NASSAU 1093

E.O. 11652: GDS

TAGS: EFIS, BF

SUBJECT: SPINY LOBSTER: PREPARATIONS FOR NEGOTIATIONS

REFS: NASSAU 1085; NASSAU 1087

1. THE AMBASSADOR'S DISCUSSION WITH PRIME MINISTER
PINDLING, REPORTED IN REFTEL HOLDS OUT VERY REAL PROSPECT
THAT BY END OF NEXT WEEK BAHAMIANS WILL PROPOSE
BILATERAL NEGOTIATIONS BETWEEN US AND GCOB ON SPINY
LOBSTER TAKE PLACE IMMEDIATELY AND THAT GCOB WILL HAVE
BROAD ELEMENTS OF ITS POSITION READY TO TABLE. SCENARIO
OFFERED BY PRIME MINISTER WAS FOR INTENSIVE NEGOTIATIONS
OVER SHORT PERIOD OF TIME (E.G. FIVE DAYS) IN ORDER TO
REACH AGREEMENT BEFORE AUGUST 1. WITH THAT PROSPECT IN
MIND, EMBASSY PROPOSES THAT DEPT BEGIN NOW TO MAKE
DECISIONS REGARDING COMPOSITION OF US NEGOTIATING
TEAM, NEGOTIATING AUTHORITY AND THRUST OF CONGRESSIONAL
AND INDUSTRY CONSULTATIONS.

2. NEGOTIATING TEAM. IN CONVERSATION WITH AMBASSADOR,
PRIME MINISTER PRESENTED THREE PRINCIPLES WHICH INDICATE
DIRECTION OF BAHAMIAN THINKING EVEN THOUGH PRIME MINISTER
WAS QUICK TO SAY THERE MAY BE MORE OR THEY MAY BE CHANGED
SOMEWHAT AS A RESULT OF CABINET CONSULTATION. TO ENSURE
THAT US TEAM INCLUDES EXPERTS IN AREAS WE CAN ANTICIPATE
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WE PROPOSE DEPARTMENT, CONSULTING AS APPROPRIATE WITH

OTHERS, DESIGNATE NOW REPRESENTATIVES FROM L (PRESUMABLY L/OES), OES, NOAA (PRESUMABLY SCIENTIFIC EXPERT FROM NMFS OFFICE IN FLORIDA) AND THE COAST GUARD (PRESUMABLY FROM CGD SEVEN MIAMI) WHOSE REPRESENTATIVES WOULD JOIN EMBASSY STAFF IN BACKSTOPPING AMBASSADOR AS PRINCIPAL NEGOTIATOR. THIS TEAM SHOULD PARTICIPATE IN WASHINGTON SUBSTANTIVE DISCUSSIONS OF US POSITION AND BE IN POSITION TO COME TO NASSAU ON SHORT NOTICE, QUITE LIKELY AROUND JULY 11 OR EARLY FOLLOWING WEEK. WHILE WE ANTICIPATE CLOSE COORDINATION WITH CONGRESS AND FISHING INDUSTRY (SEE PARA 5) WE DO NOT ANTICIPATE REPRESENTATION OF EITHER IN THE NEGOTIATIONS AND IN FACT BELIEVE SUCH REPRESENTATION WOULD ADVERSELY AFFECT A SUCCESSFUL OUTCOME.

3. CIRCULAR 175 AUTHORITY. IT ALSO APPEARS TO US THAT WE NOW HAVE ENOUGH INFORMATION FROM THE BAHAMIANS TO ADD TO OUR OWN THOUGHTS ON WHAT AN AGREEMENT MIGHT LOOK LIKE, TO BE ABLE TO LAY OUT US NEGOTIATING OBJECTIVES OR PRINCIPLES, AND TO OBTAIN CIRCULAR 175 AUTHORITY SO THAT IT WILL BE IN HAND BY END OF NEXT WEEK. OF COURSE, WE DO NOT HAVE AVAILABLE TO US DETAILED INFORMATION ON THE NATURE OF THE FLORIDA INDUSTRY WHICH WOULD PERMIT US TO DEFINE WHAT POSITIONS MIGHT BE ACCEPTABLE IN US DOMESTIC POLITICAL TERMS, BUT EVEN WITHOUT THIS, IT WOULD APPEAR THAT CIRCULAR 175 AUTHORITY WOULD INCLUDE AUTHORITY TO NEGOTIATE BILATERAL AGREEMENT TO OBTAIN MAXIMUM LEVEL OF CONTINUED US ACCESS TO RESOURCES UNDER CONDITIONS WHICH MIGHT INCLUDE US PARTICIPATION IN ENFORCEMENT, MUTUAL SCIENTIFIC EFFORT, AND RECIPROCITY. OBVIOUSLY, OTHER PROPOSALS MAY ARISE E.G. CATCH LIMITATIONS EXPRESSED IN TERMS OF BOATS, POTS, AND/OR CLOSED PERIODS. MOREOVER, BASED ON AMBASSADOR'S CONVERSATION WITH PRIME MINISTER, IT IS LIKELY WE WILL FACE BAHAMIAN DESIRE TO LOCATE AT LEAST A PORTION OF PROCESSING INDUSTRY IN BAHAMAS, ETC. THESE TECHNIQUES FOR CONTROLLING ACCESS TO LOBSTER RESOURCES OR FOR RESPONDING TO BAHAMIAN DESIRE TO REGULATE ACCESS WHILE ENCOURAGING DEVELOPMENT OF BAHAMIAN INDUSTRY MAY RAISE ISSUES WHICH WE WILL OBVIOUSLY HAVE TO EXAMINE CAREFULLY AND MOVE ON AFTER TOUCHING WITH US FISHING

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INDUSTRY AND CONGRESS BUT THIS NEED NOT, IN OUR VIEW, IMPEDE PROCESS OF OBTAINING CIRCULAR 175 AUTHORITY.

4. WE UNDERSTAND, OF COURSE, THAT THERE REMAIN SOME QUESTIONS ABOUT THE AREA TO BE COVERED BY THE AGREEMENT. BAHAMIAN JULY 3 RESPONSE TO OUR NOTE OF APRIL 2, 1975 GIVES US CLEAR INDICATION OF THE SHELF AREAS IN WHICH GCOB BELIEVES THE LOBSTER FISHING LAW SHOULD

APPLY. WE AWAIT DEPARTMENT COMMENTS. IN MEANTIME DEPARTMENT, IN CONSULTATION WITH INDUSTRY, MAY BE ABLE TO OBTAIN MORE INFORMATION ON WHERE US INDUSTRY IS CONCENTRATING ITS EFFORT TO DETERMINE WHETHER BAHAMA BANKS ARE IN FACT ONLY AREA OF CONCERN. IF DEPARTMENT DISAGREES WITH GCOB VIEW THAT QUESTIONS OF DELIMITATION DO NOT ARISE, DEPARTMENT MAY WISH TO BE IN POSITION TO APPROACH PROBLEM IN NEGOTIATIONS BY USE OF COORDINATES TO DESCRIBE BROAD AREA WHICH USG BELIEVES SHOULD BE COVERED BY AGREEMENT. WE MUST ADMIT, HOWEVER, WE ARE STILL SOMEWHAT CONFUSED AS TO EXACTLY WHAT QUESTIONS REMAIN ON MATTERS OF DELIMITATION OR ARE OBSTACLES TO US ACCEPTANCE OF BAHAMIAN DEFINITION OF WHAT CONSTITUTES BAHAMIAN CONTINENTAL SHELF FOR PURPOSES OF THIS NEGOTIATION. WE WILL NEED MORE GUIDANCE ON THIS.

5. CONSULTATIONS. A) INDUSTRY. AS SUGGESTED PARA 2 ABOVE, DEPARTMENT WILL DOUBTLESS WISH TO UNDERTAKE CONSULTATION WITH FISHING INDUSTRY REPS AT AN APPROPRIATE POINT IN TIME. ASIDE FROM NECESSITY OF GAINING THEIR SUPPORT FOR AN EQUITABLE ARRANGMENT BUT ONE WHICH NEVERTHELESS IS BOUND TO IMPOSE CONDITIONS NOT PREVIOUSLY REQUIRED OF US FISHERMEN, WE ALSO FORESEE NEED TO SEEK TECHNICAL ADVICE ON VARIOUS ASPECTS OF THE INDUSTRY OPERATION SO THAT ANY FINAL AGREEMENT WE REACH MAKES SENSE. HOW EARLY SUCH CONSULTATIONS SHOULD BEGIN AND WHAT DEGREE OF DETAIL ON GCOB POSITION DEPARTMENT WOULD REQUIRE ARE MATTERS ON WHICH WE WOULD APPRECIATE YOUR VIEWS.

B) CONGRESSIONAL. DEPARTMENT WILL DOUBTLESS SIMILARLY WISH TO GET TO AT LEAST KEY CONGRESSMEN EARLY ON, PERHAPS BEFORE BROACHING MATTER TO INDUSTRY REPS. FASCELL AND
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ROGERS OF FLORIDA ARE TWO OBVIOUS MEMBERS WHO COME TO MIND BUT OTHERS WILL OCCUR TO DEPARTMENT. PRESUMABLY WE WOULD WISH TO PRESENT GENERAL OUTLINE OF PROBLEM, WHAT WE UNDERSTAND GCOB PROPOSALS TO INVOLVE AND OUR REACTION THERETO. THEREAFTER, WE COULD OFFER TO KEEP THEM CURRENTLY INFORMED ON STATUS OF DISCUSSIONS. DEPT OBVIOUSLY BEST ABLE TO HANDLE THIS MATTER, HOWEVER, IF PRESENCE OF AMBASSADOR OR DCM (LATTER WILL BE IN WASHINGTON ON OFFICIAL BUSINESS FOR NEXT TWO WEEKS) WOULD BE HELPFUL IN CONGRESSIONAL BRIEFINGS WE OF COURSE AT YOUR DISPOSAL.

C) WE ARE SURE DEPARTMENT AGREES THAT IT IMPORTANT IN CONSULTING BOTH INDUSTRY AND CONGRESS, WHILE EMPHASIZING POSITIVE ASPECTS OF PROPOSAL, TO BE CANDID

ABOUT LIMITATIONS WE WILL BE ASKED TO ACCEPT. CLEARLY
WE DO NOT AT THIS MOMENT KNOW PRECISELY WHAT ALL OF
THESE WILL BE ALTHOUGH THREE PRINCIPLES ENUNCIATED BY
PINDLING TO AMBASSADOR PRESENT A STARTING POINT.
IMPLEMENTATION OF THESE PRINCIPLES, OR OTHERS WHICH
GCOB MAY RAISE, WILL INVOLVE SOME SACRIFICE OF FREE HAND
US FISHERMEN HAVE HAD BEFORE, AND COULD INVOLVE REDUCED
LEVELS OF CATCH, LICENSING ARRANGEMENTS, ETC.
NEVERTHELESS, POINT TO BE MADE IS THAT WE WILL HAVE TO PAY
SOME PRICE TO GAIN CONTINUED ACCESS TO BAHAMIAN WATERS AND
WE WILL MAKE EVERY ATTEMPT TO MAKE THAT PRICE AS REASONABLE
TO US FISHERMEN AS WE CAN.
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